

98TH GENERAL ASSEMBLY**State of Illinois****2013 and 2014****HB2691**

Introduced 2/21/2013, by Rep. David Harris

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1.4 new
720 ILCS 5/33E-16

Amends the Criminal Code of 2012. Creates the offense of theft of public funds. Provides that a person commits the offense when he or she: (1) embezzles, steals, purloins, obtains by fraud, or knowingly converts to his or her use or the use of another, or without authority sells, conveys, or disposes of, any record, voucher, money, or thing of value of the State of Illinois or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State of Illinois or any department or agency of the State, or any unit of local government or school district; or (2) receives, conceals, or retains the record, voucher, money, thing of value, or property of the State of Illinois or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State of Illinois or any department or agency of the State, or any unit of local government or school district with intent to convert it to his or her use or gain, knowing it to have been embezzled, stolen, purloined, obtained by fraud, or converted. Establishes penalties based on the value of the property unlawfully obtained. Changes the statute concerning misapplication of funds. Includes embezzling, stealing, obtaining by fraud, or otherwise without authority knowingly converting to the use of any person other than the rightful owner or intentionally misapplying, property that is owned by, or is under the care, custody, or control of the State of Illinois or of any agency of the State, a unit of local government, or school district. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 33E-16 and by adding Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. Theft of public funds.

8 (a) A person commits theft of public funds when he or she:

9 (1) embezzles, steals, purloins, obtains by fraud, or
10 knowingly converts to his or her use or the use of another,
11 or without authority sells, conveys, or disposes of, any
12 record, voucher, money, or thing of value of the State of
13 Illinois or any department or agency of the State, or of
14 any unit of local government or school district, or any
15 property made or being made under contract for the State of
16 Illinois or any department or agency of the State, or any
17 unit of local government or school district; or

18 (2) receives, conceals, or retains the record,
19 voucher, money, thing of value, or property described in
20 paragraph (1) with intent to convert it to his or her use
21 or gain, knowing it to have been embezzled, stolen,
22 purloined, obtained by fraud, or converted.

23 (b) For the purposes of this Section, "value" means face,

1 par, or market value, or cost price, either wholesale or
2 retail, whichever is greater.

3 (c) Sentence.

4 (1) Theft of public funds involving property not
5 exceeding \$300 in value is a Class 4 felony.

6 (2) Theft of public funds involving property exceeding
7 \$300 and not exceeding \$10,000 in value, is a Class 2
8 felony.

9 (3) Theft of public funds involving property exceeding
10 \$10,000 and not exceeding \$100,000 in value is a Class 1
11 felony.

12 (4) Theft of public funds involving property exceeding
13 \$100,000 in value is a Class X felony.

14 (720 ILCS 5/33E-16)

15 Sec. 33E-16. Misapplication of funds.

16 (a) An officer, director, agent, or employee of, or
17 affiliated in any capacity with the State of Illinois or any
18 agency of the State, or any unit of local government or school
19 district commits misapplication of funds when he or she
20 embezzles, steals, obtains by fraud, or otherwise without
21 authority knowingly converts to the use of any person other
22 than the rightful owner or intentionally misapplies, property
23 that is owned by, or is under the care, custody, or control of
24 the State of Illinois or of any agency of the State, a unit of
25 local government, or school district ~~knowingly misapplies any~~

1 ~~of the moneys, funds, or credits of the unit of local~~
2 ~~government or school district.~~

3 (b) Sentence. Misapplication of funds is a Class 3 felony.
4 (Source: P.A. 97-1108, eff. 1-1-13.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.